

**CHARTER COMMISSION
CITY AND COUNTY OF HONOLULU
711 Kapiolani Blvd. Suite 1485
Honolulu, Hawaii 96813**



**MONDAY, AUGUST 28, 2006
REGULAR MEETING**

**CITY COUNCIL COMMITTEE ROOM
SECOND FLOOR
CITY HALL**

MINUTES

Charter Commission Members Present:

Donn M. Takaki
Jeffrey T. Mikulina (Late 4:09 p.m.)
E. Gordon Grau
Amy Hirano
Jared Kawashima (Late 4:20 p.m.)
Darolyn H. Lendio
Stephen Meder
Jim Myers
James Pacopac
Jan Sullivan

Charter Commission Members Excused:

Andy Chang
Jerry Coffee
Malcolm Tom

Others Present:

Chuck Narikiyo, Executive Administrator, Charter Commission
Diane Kawauchi, Deputy Corporation Counsel, Department of the Corporation Counsel
Dawn Spurlin, Deputy Corporation Counsel, Department of Corporation Counsel
Loretta Ho, Secretary, Charter Commission
Nicole Love, Researcher, Charter Commission

1. Call to Order

Chair Donn Takaki called the meeting to order at 4:07 p.m. on August 28, 2006.

2. For Approval - Minutes from July 11, 2006 meeting

Action:

Commissioner Lendio moved to approve the minutes of July 11, 2006 meeting. Commissioner Hirano seconded the motion. Executive Administrator Narikiyo noted that the minutes would be read by staff for a clerical check before they are finalized.

All commissioners present voted in favor of the motion, and the motion was passed.

Commissioner Sullivan arrived

3. Executive Administrator's Report

Executive Administrator Narikiyo reported that the Committee on Style and the Committee on Submission and Information met and made their recommendations for the Commission's review and approval for today. On the agenda today are the Committee on Style's recommendation for the actual language of the proposed amendments, the ballot questions and the order of items for the ballot. Also on the agenda are the Committee on Submission and Information's recommendations for the public education plan, selection of vendors for printing of the mass-mailing brochure, mailing services for the brochure and a media consultant for the public education campaign and language for the digest and brochure.

4. Committee Reports

a. Style Committee

Chair Takaki noted Committee that Chair Kawashima is running late and asked the Executive Administrator Narikiyo to summarize Committee Chair Kawashima's report. Executive Administrator Narikiyo reported the attachment to today's agenda contains the Committee on Style's report. He stated the Committee on Style met three times and refined and finalized the language for the 18 proposals that are contained on pages 2 – 23 on the Committee on Style's report. He went on to say the Committee also made recommendations for combination for some of the proposals on the ballot on page 24. On pages 25 and 26 are the ballot questions language and reference phrase language that was drafted and approved by the Committee on Style. Lastly on page 29 is the order of ballot questions and these were all arrived after many hours of meetings, discussion, motions and voting by the Committee.

Chair Takaki stated to the Commissioners present that they would be going through the charter amendment text for the proposals one by one per the Commission Rules. They would be able to go through the rest of the report as a group in total. He asked Corporation Counsel for today's vote, can they amend any of the proposals prior to the approval or do they need vote "yes" or "no" on the charter amendment text questions? Deputy Corporation Counsel Kawauchi responded with respect to the Commission's item 4a on the agenda for discussion and action, the Commission action is to review for discussion and approval and based on that language indicate that no amendment would be appropriate for that agenda item.

Commissioner Lendio asked for clarification, she understands that they need to secure 7 votes for each amendment for it to get onto the ballot. Deputy Corporation Counsel Kawauchi responded that is her recollection of the Charter Commission's rules. Commissioner Lendio then asked if there is a question with regard to an amendment and they were to have a discussion on amending any of the proposals, she anticipated by looking at the calendar they would not meet the September 1, 2006 deadline because they would not be able to adequately sunshine any type of amendment. Deputy Corporation Counsel Kawauchi responded that is correct clarifying that the Sunshine Law would require 6 days in advance posting of an agenda for action. Commissioner Lendio then commented she understands there are emergency provisions under the Sunshine Law, which may allow them to have a special meeting with regards to the 6-day requirement. She went on to say from her memory as to what activates this provision; they do not have the requisite circumstances to activate any of the emergency provisions to have an emergency special meeting. Deputy Corporation Counsel Kawauchi responded that is her reading of the statutory provision as well in the Hawaii Revised Statutes 92-8 involving emergency meetings. Deputy Corporation Counsel Kawauchi went on to say when the Commission finds that there is an imminent peril to the public health, safety or welfare that a meeting is required in less time than the 6 days advanced posting. Commissioner Lendio then asked Deputy Corporation Counsel Kawauchi, in Ms. Kawauchi's knowledge of interpretation of that section of the Sunshine Law, they would probably not qualify under those circumstances? Deputy Corporation Counsel Kawauchi responded she's inclined to say yes. Therefore, no amendments would be considered at today's meeting.

Commissioner Myers asked if they can't amend and they don't have time for another meeting, why don't they take them in a block because they can't change them anyway so they are as they stand? His second question is because all of these came from duly constituted committees and have been voted upon once don't they go before the full Commission moved and seconded already so they don't have to go through the motion and a second? He commented under the Robert's Rules of Order, he thinks that is correct. Commissioner Lendio responded she thinks there is a question as to the Commission's internal rule as to whether they need individual votes under each individual amendment and would as Executive Administrator Narikiyo for his insight on that. Executive Administrator Narikiyo responded he doesn't believe that it is required to do them piecemeal but by going through them one by one and his intention when he created the agenda was to allow discussion for each one. Executive Administrator Narikiyo stated the Commission's Rules says this is the final step and the proposals need to go through a final vote in essence after going through a committee process. He went on to say he agrees that if no amendments are going to be entertained or able to be entertained, he doesn't see any problem with considering them together if that is what the Commission wants to do and doesn't see that as a violation of the Commission's Rules. Deputy Corporation Counsel Spurlin recommends that the Commission goes through each individual proposal because the rules say "the Commission would consider each proposal on it's merits paying attention to the manner in which each proposal relates to the Charter as a whole", so that contemplates individual review. Executive Administrator Narikiyo stated that particular rule was his reasoning for setting them forth individually but that particular rule in his opinion he doesn't think it requires

separate consideration but sees why that would be their recommendation.

Commissioner Myers stated it would not be in order for the Commissioners to vote "no" on anything because they said that these proposed amendments would appear on the ballot and doesn't believe they could vote "no" on any of them either. He goes on to say if they vote "no", it doesn't appear on the ballot because there's no way to change it or get it on the ballot. Commissioner Myers asked if he was correct. Executive Administrator Narikiyo responded he thinks that is true.

Commissioner Sullivan asked to get guidance on two separate things. Commissioner Sullivan asked Corporation Counsel if the Commission has a non-substantive amendment they are suggesting, then the Commission cannot pass an individual measure with a minor amendment? Deputy Corporation Counsel Kawauchi responded based on the language on the posted agenda for today's Commission's meeting she doesn't think an amendment of any proposal would be appropriate. Commissioner Sullivan asked for clarification because of the way the agenda was posted? Deputy Corporation Counsel Kawauchi responded in the affirmative.

Commissioner Kawashima arrives

Executive Administrator Narikiyo commented he took responsibility for the agenda because his intention to allow for discussion and amendment if that's what the Commission wanted to do. But apparently the agenda was deemed not sufficient to give notice to allow for amendments today.

Commissioner Sullivan asked if procedurally there's no point for the full Commission to vote on these proposals because they have no choice as to further changes, and the amendments have already been reviewed and approved? Deputy Corporation Counsel Spurlin responded she disagrees with Commissioner Sullivan and stated the Commissioners do have a choice because they either accept or deny them at this stage. Deputy Corporation Counsel Spurlin stated the rules impose a duty upon the Commission to do one final review. She clarified the prior approvals were tentative and this is the last approval and if the Commissioner's really believe a certain proposal should not go forward, they could vote it down. Deputy Corporation Counsel Spurlin stated the rule says, "After all proposals to amend the charter have been disposed of, the Commission will review all proposal that have been tentatively approved. The Commissioner would consider each proposal on its merit paying attention to the manner in which each proposal relates to the charter as a whole." Deputy Corporation Counsel Spurlin also noted that the Committee on Submission and Information is to decide on the manner of submitting the amendments to the public, and noted that in this particular case, the Committee on Submission and Information did a parallel track assuming that all the proposals are going to go forward but the rules do contemplate one final review by the Commission.

Commissioner Sullivan asked for clarification the Commission's options are; approve it they way it is; disapprove it; but they cannot further amend any language. Deputy Corporation Counsel Spurlin responded yes.

FOR DISCUSSION AND ACTION:

1. Charter amendment text

Final review and approval of proposed charter amendments and Style Committee recommendations following legal/agency review.

PROPOSAL 1 - *Salary Commission; Amend provision regarding Council review of Commission findings.*

ACTION:

Commissioner Lendio moved to approve Proposal 1 for placement on the ballot. Commissioner Hirano seconded that motion. No discussion followed.

AYES: TAKAKI, GRAU, HIRANO, KAWASHIMA, LENDIO, MEDER, MIKULINA,
MYERS, PACOPAC, SULLIVAN - 10
NOES: NONE
EXCUSED: CHANG, COFFEE, TOM - 3

MOTION PASSED

PROPOSAL 5 - *Elections; Eliminate the first special election when there are only two candidates for an office.*

ACTION:

Commissioner Lendio moved to approve Proposal 5 for placement on the ballot. Commissioner Hirano seconded that motion. No discussion followed.

AYES: TAKAKI, GRAU, HIRANO, KAWASHIMA, LENDIO, MEDER, MIKULINA,
MYERS, PACOPAC - 9
NOES: SULLIVAN - 1
EXCUSED: CHANG, COFFEE, TOM - 3

MOTION PASSED

Executive Administrator Narikiyo stated there was written testimony submitted on some of the proposed amendments that are before Commissioners. Chair Takaki asked the public if there was anyone wishing to testify on any of the proposed charter amended text before the Commission.

The following individuals testified:

1. Tom Heinrich

Tom Heinrich testified regarding the text for Proposal 5, he suggested the deletion of the word "then" in Subsection (a) first line after the word "office," should be deleted.

PROPOSAL 27 - *Liquor Commission and Civil Service; Exempt Liquor Control Administrator and Deputy Administrator from civil service.*

Written Testimony:

1. Charles Djou, City Councilmember, Honolulu City Council

ACTION:

Commissioner Lendio moved to approve Proposal 27 for placement on the ballot. Commissioner Mikulina seconded that motion. No discussion followed.

AYES: TAKAKI, GRAU, HIRANO, KAWASHIMA, LENDIO, MEDER, MIKULINA,
MYERS, PACOPAC, SULLIVAN - 10

NOES: NONE

EXCUSED: CHANG, COFFEE, TOM - 3

MOTION PASSED

PROPOSAL 28 - *Ethics Commission; Allow the Ethics Commission to impose civil fines.*

Written Testimony:

1. Charles Djou, City Councilmember, Honolulu City Council

ACTION:

Commissioner Lendio moved to approve Proposal 28 for placement on the ballot. Commissioners Hirano/Mikulina seconded that motion. No discussion followed.

AYES: TAKAKI, GRAU, HIRANO, KAWASHIMA, MEDER, MIKULINA,
MYERS, PACOPAC, SULLIVAN - 9

NOES: LENDIO - 1

EXCUSED: CHANG, COFFEE, TOM - 3

MOTION PASSED

PROPOSAL 33 - *Department of Emergency Services; Revise the Powers, Duties and Functions of the Director and the Department.*

Written Testimony:

NONE

ACTION:

Commissioner Lendio moved to approve Proposal 33 for placement on the ballot.
Commissioner Hirano seconded that motion. No discussion followed.

The following individuals testified:

1. Tom Heinrich

Tom Heinrich suggest to include the word "other" in Subsection (c) after the word "such" to make it consistent with many other sections in the charter. Chair Takaki asked Mr. Heinrich if the Commission is unable to make further changes and amend the text would he still support the proposal as written without those amendments. Mr. Heinrich responded in the affirmative and noted as a blanket assumption all the proposals they are discussion should move forward consistent with the actions of the Commission.

AYES: TAKAKI, GRAU, HIRANO, KAWASHIMA, LENDIO, MEDER, MIKULINA,
MYERS, PACOPAC, SULLIVAN - 10

NOES: NONE

EXCUSED: CHANG, COFFEE, TOM - 3

MOTION PASSED

PROPOSAL 34 - *Budget; Administration and enforcement of the executive capital budget ordinance -- lapse in 12 rather than 6 months.*

The following individuals testified:

NONE

Written Testimony:

NONE

ACTION:

Commissioner Lendio moved to approve Proposal 34 for placement on the ballot.
Commissioner Mikulina seconded that motion. No discussion followed.

AYES: TAKAKI, GRAU, HIRANO, KAWASHIMA, LENDIO, MEDER, MIKULINA,
MYERS, PACOPAC, SULLIVAN - 10

NOES: NONE

EXCUSED: CHANG, COFFEE, TOM - 3

MOTION PASSED

PROPOSAL 35 - *Department of Information Technology; Revise the Powers, Duties and Functions of the Director.*

The following individuals testified:

NONE

Written Testimony:

NONE

ACTION:

Commissioner Lendio moved to approve Proposal 35 for placement on the ballot.
Commissioner Hirano seconded that motion. No discussion followed.

AYES: TAKAKI, GRAU, HIRANO, KAWASHIMA, LENDIO, MEDER, MIKULINA,
MYERS, PACOPAC, SULLIVAN - 10

NOES: NONE

EXCUSED: CHANG, COFFEE, TOM – 3

MOTION PASSED

PROPOSAL 36 - *Fire Chief; Revise the Powers, Duties and Functions of the Fire Chief and the Fire Department.*

The following individuals testified:

NONE

Written Testimony:

NONE

ACTION:

Commissioner Lendio moved to approve Proposal 36 for placement on the ballot.
Commissioner Hirano seconded that motion. No discussion followed.

AYES: TAKAKI, GRAU, HIRANO, KAWASHIMA, LENDIO, MEDER, MIKULINA,
MYERS, PACOPAC, SULLIVAN - 10

NOES: NONE

EXCUSED: CHANG, COFFEE, TOM – 3

MOTION PASSED

PROPOSAL 51 - *Department of Customer Services; Include the Director of Customer Services as a department head who must be nominated by the Mayor, with the advice and consent of the Council, and may be removed by the Mayor.*

The following individuals testified:

NONE

Written Testimony:

NONE

ACTION:

Commissioner Lendio moved to approve Proposal 51 for placement on the ballot.
Commissioner Mikulina seconded that motion. No discussion followed.

AYES: TAKAKI, GRAU, HIRANO, KAWASHIMA, LENDIO, MEDER, MIKULINA,
MYERS, PACOPAC, SULLIVAN - 10
NOES: NONE
EXCUSED: CHANG, COFFEE, TOM – 3

MOTION PASSED

PROPOSAL 55 - *Term Limits and Staggered Terms; Re term limits and staggered terms for Councilmembers.*

The following individuals testified:
NONE

Written Testimony:

1. Charles Djou, Councilmember, Honolulu City Council

ACTION:

Commissioner Lendio moved to approve Proposal 55 for placement on the ballot.
Commissioner Hirano seconded that motion. Discussion followed.

Commissioner Mikulina stated he's not in adverse to this proposal but nor is he voting in opposition for the reasons Commissioner Grau stated earlier, the Commission has come this far, people anticipate this as long as the Commission pro for it today and respect the Commission's wishes and would be voting in support for this to be placed on the ballot.

Commissioner Sullivan stated for the record she would be voting against this proposal and realized she voted against Proposal 5 in error thinking it was Proposal 55.

AYES: TAKAKI, GRAU, HIRANO, KAWASHIMA, LENDIO, MEDER, MIKULINA,
MYERS, PACOPAC - 9
NOES: SULLIVAN - 1
EXCUSED: CHANG, COFFEE, TOM – 3

MOTION PASSED

PROPOSAL 71 - *Department of Environmental Services; Comprehensive curbside recycling program.*

The following individuals testified:

NONE

Written Testimony:

1. Charles Djou, Councilmember, Honolulu City Council

ACTION:

Commissioner Lendio moved to approve Proposal 71 for placement on the ballot. Commissioner Mikulina seconded that motion. Discussion followed.

Commissioner Mikulina passed out an article from Saturday, August 26, 2006 Star Bulletin (**Attachment A**). He commented the article he passed out is to reiterate what the City has been doing in considering recycling. He stated the City has had HPOWER for a number of years. He feels the city needs to have a curbside recycling program and this has been discussed at length by this Commission and also before the City Council. He commented he also attached the EPA Measuring Recycling Guide for State and Local Governments (**Attachment B**). Commissioner Mikulina stated this document shows what EPA has done many for years and what they consider recycling, how they measure it among the states to have a common measure. He went on to say in their definition of "recycling" they specifically exclude waste to energy and feels it's time for Honolulu to join the other 10,000 cities across the nation with a curbside recycling program. He stated Honolulu could have both, waste to energy and a recycling program that captures the valuable metals, paper, green waste and the like.

AYES: TAKAKI, GRAU, HIRANO, KAWASHIMA, LENDIO, MEDER, MIKULINA,
MYERS, PACOPAC, SULLIVAN - 10
NOES: NONE
EXCUSED: CHANG, COFFEE, TOM – 3

MOTION PASSED

PROPOSAL 75 – *Ethics Commission; Include the prohibition against Ethics Commissioners taking an active part in political management or political campaigns set forth in the Hawaii Constitution Article XIV.*

The following individuals testified:

NONE

Written Testimony:

NONE

ACTION:

Commissioner Lendio moved to approve Proposal 75 for placement on the ballot. Commissioner Hirano seconded that motion. No discussion followed.

AYES: TAKAKI, GRAU, HIRANO, KAWASHIMA, LENDIO, MEDER, MIKULINA,
MYERS, PACOPAC, SULLIVAN - 10
NOES: NONE
EXCUSED: CHANG, COFFEE, TOM – 3

MOTION PASSED

PROPOSAL 76 – Police; Delete prohibition of political activities by police department employees.

The following individuals testified:
NONE

Written Testimony:
NONE

ACTION:

Commissioner Lendio moved to approve Proposal 76 for placement on the ballot.
Commissioner Hirano seconded that motion. No discussion followed.

AYES: TAKAKI, GRAU, HIRANO, KAWASHIMA, LENDIO, MEDER, MIKULINA,
MYERS, PACOPAC, SULLIVAN - 10
NOES: NONE
EXCUSED: CHANG, COFFEE, TOM – 3

MOTION PASSED

PROPOSAL 78 – Civil Defense Agency; Delete the reference to Civil Defense Agency in "Appointment, Confirmation and Removal of Officers and Employees".

The following individuals testified:
NONE

Written Testimony:
NONE

ACTION:

Commissioner Lendio moved to approve Proposal 78 for placement on the ballot.
Commissioner Hirano seconded that motion. No discussion followed.

AYES: TAKAKI, GRAU, HIRANO, KAWASHIMA, LENDIO, MEDER, MIKULINA,
MYERS, PACOPAC, SULLIVAN - 10
NOES: NONE
EXCUSED: CHANG, COFFEE, TOM – 3

MOTION PASSED

PROPOSAL 91 - *Property Taxes and New Fund; Set aside one-half percent (1/2%) of real property tax revenues for land and natural resources protection and one-half percent (1/2%) of real property tax revenues for affordable housing.*

The following individuals testified:
NONE

Written Testimony:
NONE

ACTION:

Commissioner Mikulina moved to approve Proposal 91 for placement on the ballot. Commissioner Lendio seconded that motion. Discussion followed.

Commissioner Mikulina stated he learned recently the Big Island has a 2% ballot question coming up the November and this would make all four counties that would having a property tax set aside for land conservation. He stated also the fact that half of this would go to affordable housing that is 30% below median income and is excited about that. He went on to say he thanks all the supporters of this proposal and for helping the Commissioner's make this a reality.

AYES: TAKAKI, GRAU, HIRANO, KAWASHIMA, LENDIO, MEDER, MIKULINA,
MYERS, PACOPAC, SULLIVAN - 10
NOES: NONE
EXCUSED: CHANG, COFFEE, TOM – 3

MOTION PASSED

PROPOSAL S-6 - *Petitions; Delete requirement of Social Security numbers on petitions*

The following individuals testified:
NONE

Written Testimony:
1. Charles Djou, Councilmember, Honolulu City Council

ACTION:

Commissioner Lendio moved to approve Proposal S-6 for placement on the ballot. Commissioner Hirano seconded that motion. No discussion followed.

AYES: TAKAKI, GRAU, HIRANO, KAWASHIMA, LENDIO, MEDER, MIKULINA,

MYERS, PACOPAC, SULLIVAN - 10
NOES: NONE
EXCUSED: CHANG, COFFEE, TOM – 3

MOTION PASSED

PROPOSAL S-9 - *Department of Transportation Services - Revise Powers, Duties and Functions; Promote pedestrian- and bicycle-friendly city.*

The following individuals testified:
NONE

Written Testimony:
NONE

ACTION:

Commissioner Lendio moved to approve Proposal S-9 for placement on the ballot. Commissioner Mikulina seconded that motion. Discussion followed.

Commissioner Mikulina passed out an article from Saturday, August 26, 2006 Star Bulletin (**Attachment C**). He stated he hopes to see less of this type of incident in the future and he is looking forward for the department for having a new priority in making Honolulu a bike-and-pedestrian friendly city.

AYES: TAKAKI, GRAU, HIRANO, KAWASHIMA, LENDIO, MEDER, MIKULINA,
MYERS, PACOPAC, SULLIVAN - 10
NOES: NONE
EXCUSED: CHANG, COFFEE, TOM – 3

MOTION PASSED

PROPOSAL S-10 - *Public notices; Distribution of public notices via a widely accessible electronic medium.*

The following individuals testified:
1. Tom Heinrich

Written Testimony:
NONE

Tom Heinrich testified in support. He noted in accordance with Marian Webster's Collegiate Dictionary 11th Edition "timeframe" is properly two-words and not one and should ultimately be reflected as two words.

ACTION:

Commissioner Lendio moved to approve Proposal S-10 for placement on the ballot. Commissioner Mikulina seconded that motion. No discussion followed.

AYES: TAKAKI, GRAU, HIRANO, KAWASHIMA, LENDIO, MEDER, MIKULINA,
MYERS, PACOPAC, SULLIVAN - 10
NOES: NONE
EXCUSED: CHANG, COFFEE, TOM – 3

MOTION PASSED

2. Combination of proposals for the ballot

Executive Administrator Narikiyo stated there are two combinations on page 24 of the Committee on Style's report. First combination was for Proposals 35, 51, 75, 76, 78, S-6 and S-10. The second combination is for Proposals 33 and 36.

ACTION:

Commissioner Lendio moved to approve the Style Committee's recommendation on the combination of proposals for the ballot. Commissioner Mikulina seconded that motion. No discussion followed.

AYES: TAKAKI, GRAU, HIRANO, KAWASHIMA, LENDIO, MEDER, MIKULINA,
MYERS, PACOPAC, SULLIVAN - 10
NOES: NONE
EXCUSED: CHANG, COFFEE, TOM – 3

MOTION PASSED

3. Ballot questions and reference phrases

Executive Administrator Narikiyo stated these are on pages 25 and 26 in the Committee on Style's report. He stated the Committee on Style considered alternative language and came up with the attached ballot questions and reference phrases. He clarified the reference phrases are short phrases the City Clerk recommended the Commission comes up with for use in their materials.

ACTION:

Commissioner Lendio moved to approve the Style Committee's recommendation on the ballot questions and reference phrases. Commissioner Hirano seconded that motion. No discussion followed.

AYES: TAKAKI, GRAU, HIRANO, KAWASHIMA, LENDIO, MEDER, MIKULINA,
MYERS, PACOPAC, SULLIVAN - 10
NOES: NONE

EXCUSED: CHANG, COFFEE, TOM – 3

MOTION PASSED

4. Order of ballot questions

Executive Administrator Narikiyo stated that is on page 29 on the Style Committee's report and reflected is the order of the ballot questions as deliberated and decided for recommendation by the Style Committee.

Commissioner Sullivan asked Corporation Counsel if they have the ability to propose a different ballot order in this meeting? Deputy Corporation Counsel Kawauchi responded this is part of the Style Committee's report and the agenda item is for review, discussion and approval and would take the position that it would be a "yes" or "no" vote and no amendment would be appropriate.

ACTION:

Commissioner Lendio moved to approve the Style Committee's recommendation on the order of the ballot questions. Commissioner Hirano seconded that motion. No discussion followed.

AYES: TAKAKI, GRAU, HIRANO, KAWASHIMA, LENDIO, MEDER, MIKULINA,
MYERS, SULLIVAN - 9
ABSTAIN: PACOPAC - 1
EXCUSED: CHANG, COFFEE, TOM – 3

MOTION PASSED

5. New section(s) regarding effective date

Executive Administrator Narikiyo stated this item was deferred by the Style Committee pending further research and wanted to raise this for discussion and action. Executive Administrator Narikiyo asked Corporation Counsel that because no action was taken by the Style Committee the full Commission is free to act on it? Deputy Corporation Counsel Kawauchi responded she is inclined to take that position because the item is on the agenda for action.

Executive Administrator Narikiyo passed out a brief memoranda (**Attachment D**) regarding what the 1992 and 1998 Charter Commissions did. He stated the 1992 Commission drafted 10 or so transition sections to the charter, which remain in the charter till this day. Executive Administrator Narikiyo read Article XVI Transition Schedule: All provisions of the amendments of the charter of the City and County of Honolulu, approved on November 3, 1992, shall become effective as of the second day of January, 1993, except as otherwise provided. He noted similar language is provided in the Style Committee Report. He stated he recommends they add a section like this to the provisions so it is clear when they take effect. He goes on to

say "except otherwise provided language", he believes there some proposed amendments that may need a different effective date or it may be advisable to have a different effective date. Executive Administrator Narikiyo stated the Proposal that pertains to the Liquor Commission has a different effective date in the full text and has been taken care of. He commented if any of the Commissioner's feels that any of the other provisions require a different effective date, he recommends subject to Corporation Counsel's comments that the Commission approves the language set forth in the Style Committee's report.

Deputy Corporation Counsel Kawauchi commented if there isn't specific language like that then the amendment would be in effect at some point and time after the vote has been certified. She stated it's not a date certain, although it's a certain event. She went on to say her personal preference would be that there actually be a date set forth in the Charter as they have before them in the Style Committee report.

The following individuals testified:

1. Tom Heinrich

Tom Heinrich testified he suggested the following phrase as a clean up language to say "shall take effect on January 2, 2007." He stated he also raised a different question as to whether any similar such statement from Section 16-109 regarding "Inconsistent Provisions of Rules, Ordinances and Laws". He asked if a similar additional mirror paragraph might be appropriate to include?

Commissioner Lendio asked Corporation Counsel, she doesn't think they can consider Mr. Heinrich's suggestion because it's not adequately sunshine with regards to that particular section. Deputy Corporation Counsel Kawauchi agreed with Commissioner Lendio.

Deputy Corporation Counsel Kawauchi commented with respect to the proposed language revision for the proposals that is before the Commission today. Her preference would be that the language already track the language that is already in the charter which is in Section 16-101 so that although Mr. Heinrich's language revision may be grammatically better, she inclined not to have a change in language of what would be then two provisions in the charter that are intended to have the same effect.

ACTION:

Commissioner Lendio moved to approve the section regarding effect date as stated in the agenda for today. Commissioner Mikulina seconded that motion. No discussion followed.

AYES: TAKAKI, GRAU, HIRANO, KAWASHIMA, LENDIO, MEDER, MIKULINA,
MYERS, PACOPAC, SULLIVAN - 10
NOES: NONE
EXCUSED: CHANG, COFFEE, TOM - 3

MOTION PASSED

b. Submission and Information Committee

Executive Administrator Narikiyo distributed the Committee on Submission and Information Report. **(Attachment E)**. He noted there are four parts; Public Information Plan, Digest Language, Introductory Text and Selection of Vendor.

Commissioner Lendio asked Corporation Counsel if the Commission could adopt the report in total or do they need to go through them individually? Deputy Corporation Counsel Kawauchi responded they are checking on the Rules. Chair Takaki stated they could go through them individually.

FOR DISCUSSION AND ACTION:

1. Public information program

ACTION:

Commissioner Mikulina moved to accept the Public Information Plan that was submitted by the Submission and Information Committee. Commissioner Hirano seconded that motion. No discussion followed.

AYES: TAKAKI, GRAU, HIRANO, KAWASHIMA, LENDIO, MEDER, MIKULINA,
MYERS, PACOPAC, SULLIVAN - 10
NOES: NONE
EXCUSED: CHANG, COFFEE, TOM - 3

MOTION PASSED

2. Community meetings and other appearances

Executive Administrator Narikiyo stated the Commission does not need to take any action but wanted to allow for discussion. He stated there were some concerns expressed from some Commissioners on what the format would be, what the ground rules should be when an individual Commissioner goes out to an organization or board to give a presentation. He went on to say some of the concerns were expressed was if a Commissioners was to go to a Neighborhood Board or a Trade Organization to give a presentation on the amendments that are on the ballot, he wanted to make sure it's a very neutral informational type of presentation and that no individual comments on the merits of any proposal be commented on unless of course the Commissioner is clearly speaking in his or her own individual capacity. Executive Administrator Narikiyo stated he was asked to pass out an outline of a presentation that they have given in the past and they could use that as a starting point. He stated other concerns expressed were, which groups do they make presentations to? The concern expressed there was if the Commission offer to give presentations to group A, then group B and group C may be offended or might complain that they are favoring one group over another. He stated he wanted to

bring this to their attention. He noted staff is intending to publicize the amendments generally and that everyone should go out and vote. If a group comes to the Commission and ask to make a presentation they will accommodate them as best as they can.

Commissioner Mikulina commented he appreciates the concerns that some Commissioners might be more interested in some proposals than others or may present a somewhat biased view. He stated he thinks at this stage they have 12 proposals that were passed by majority of the Commission. Commissioner Mikulina commented generally speaking he thinks there's a tacit understanding that these are good proposals and didn't put 12 random proposals out there and said this is what they are doing and these 12 proposals went through a rigorous decision process. He went on to say there is sort of an understanding that this is the Commission's 12 proposals and won the support of at least 7 Commissioners. Commissioner Mikulina commented he thinks the issue might arise when it comes to question and answers if someone asked a specific question where it might be a little difficult to control the bias. He volunteered to go out to give presentations. The second issue that some groups feeling slighted, he wouldn't lose sleep over that and that would be a great situation to be in if people are fighting over the Commission's public information meetings. He stated if they do any media, if there are any press releases that come out of today's meeting that they make it clear that the Commission is open for business for sizable groups if they want an education session that's a possibility. Also to post in on the Charter's website.

***Commissioner Hirano left the meeting. (4:59p.m.)

3. Digest text and format

Chair Takaki asked Executive Administrator Narikiyo if they needed to vote and approve the recommendation of the format. Executive Administrator Narikiyo responded yes. Chair Takaki asked Corporation Counsel if the Commission needed to make a motion and do they need to approve the report. Deputy Corporation Counsel Kawauchi responded in the affirmative. She stated as far as the earlier question by Commissioner Lendio regarding the format, there is no rule on how the Commission's acts on the Committee's report and could be taken as a group if the Commission desires.

ACTION:

Commissioner Myers moved to accept the digest language as submitted.
Commissioner Mikulina seconded that motion. No discussion followed.

AYES: TAKAKI, GRAU, KAWASHIMA, LENDIO, MEDER, MIKULINA,
MYERS, PACOPAC, SULLIVAN - 9

NOES: NONE

EXCUSED: CHANG, COFFEE, HIRANO, TOM - 4

MOTION PASSED

4. Selection of vendors for printing, mailing, and media services

Chair Takaki asked Executive Administrator Narikiyo if he is recommending that the Commission approves the recommendation from the Submission and Information Committee. Executive Administrator Narikiyo responded in the affirmative. Executive Administrator Narikiyo noted in the earlier vote when the approved the Digest Text and Language, there was an introductory language also included in that that was also in the report.

Deputy Corporation Counsel Kawauchi clarified that her understanding is the contracting officer for the Charter Commission because of way that State's Statutory Provision is set-up would be the Chair of the City Council that would be signing off on the contract and he is responsible then for the selection of the vendors. She stated she understands the action the Commission would be taking in this instance would be a recommendation to the City Council Chair that these are the companies the Submission and Information Committee has reviewed their preference that in each of these instances that the low bid be selected.

ACTION:

Commissioner Myers that the Commission submit for the approval of the Council Chair the selection of the vendors from the Submission and Information Committee. Commissioner Sullivan seconded that motion. Discussion followed.

Commissioner Sullivan wanted to recognized and thank Commissioner Myers for the time he put into this as well as the staff. She also thanked the staff for giving them different alternatives for the digest text and format.

AYES: TAKAKI, GRAU, KAWASHIMA, LENDIO, MEDER, MIKULINA,
MYERS, SULLIVAN, PACOPAC - 9
NOES: NONE
EXCUSED: CHANG, COFFEE, HIRANO, TOM – 4

MOTION PASSED

Commissioner Myers commented one of the vendors was contingent on determination by staff and him. He advised the Commission they would be meeting with the vendor tomorrow and would be making that determination after tomorrow.

- c. Budget Committee** – No Report.
- d. Personnel Committee** – Thanked Staff and Corporation Counsel helping them with the process.
- e. Rules Committee** – No Report.

5. Officers Reports

- a. **Chair Donn Takaki** – Thanked everyone.
- b. **Vice-Chair Jeff Mikulina** – Thanked everyone. Also made a correction to his earlier testimony on Proposal 91. It should be 50% or below and not 30% or below.
- c. **Treasurer Jim Myers** – No Report.
- d. **Secretary James Pacopac** – Thanked staff for all their hard work and the Commissioners for their hard work.

6. Announcements

No announcements.

7. Next Meeting

To be determined.

8. Adjournment

Commissioner Myers moved to adjourn meeting. Commissioner Lendio seconded that motion. Meeting adjourned at 5:12p.m.

Draft 9/12/06